

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GEORGE E. BARTON,
Plaintiff,

v.

GARY W. SEWELL, et al.,
Defendants.

No. CV-06-109-FVS

ORDER DENYING MOTION FOR
DEFAULT JUDGMENT

THIS MATTER comes before the Court without oral argument based upon the plaintiff's motion for judgment by default. He is representing himself.

BACKGROUND

The plaintiff filed a complaint. The Court directed the United States Marshals Service to serve copies of the complaint and summonses upon the defendants. The Marshals Service mailed summonses and copies of the complaint to the defendants by certified mail. Someone signed for the packages. However, no defendant has appeared or filed an answer.

RULING

The Court assumes, for purposes of argument, that the defendants are in default. Before seeking a default judgment, the plaintiff must first ask the Clerk to enter the defendants' respective defaults. Local Rule 55.1(a). Until the Clerk actually enters a defendant's

1 default, the plaintiff may not seek judgment against him by default.
2 Local Rule 55.1(b)(2). To date, the plaintiff has not asked the Clerk
3 to enter the defendants' respective defaults and the Clerk has not
4 done so. Consequently, the plaintiff's motion for default judgment is
5 premature. He must comply with the requirements of Local Rule 55.1(a)
6 before he proceeds to Local Rule 55.1(b).

7 **IT IS HEREBY ORDERED:**

8 The plaintiff's motion for judgment by default (**Ct. Rec. 13**) is
9 denied as premature.

10 **IT IS SO ORDERED.** The District Court Executive is hereby
11 directed to enter this order and furnish copies to counsel.

12 **DATED** this 17th day of August, 2007.

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14 s/ Fred Van Sickle
Fred Van Sickle
15 United States District Judge
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